6312820/2022/VIG-I-MAU01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – MA&UD Department – Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality – Disciplinary Proceedings instituted under Rule-20 of A.P.C.S (CC&A) Rules, 1991 – Enquiry conducted – Penalty of stoppage of two (2) Annual Grade Increments with cumulative effect besides recovery of loss of Rs.16,00,578/- imposed – Orders issued – O.A. No.5108 of 2010 filed by Sri J.V.S.Prabhakar, the then M.A.E., Samalkot Municipality – O.A. allowed with a direction to proceed inquiry in terms of Rule 20 of APCS (CC&A) Rules, 1991 - Examined - Withdrawing the punishment of imposition of two (2) annual grade increments with cumulative effect – Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.621 **Dated.25.08.2022.**

Read the following:

1) G.O.Rt.No.660, MA&UD (L1) Department, dated.17.11.2009.
2) O.A.No.5108 of 2010 filed by Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality.
3) Orders of A.P.A.T. in O.A.No.5108 of 2010, dated.31.08.2012 filed by Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality.
4) Govt.Memo.No.9086/Vig.I/2010, dated.23.11.2012 and further reminders.
5) Representation from Sri J.V.S.Prabhakar, Deputy Executive Engineer (retired), dated.11.01.2021.
6) W.P.No.840 of 2022 filed by Sri J.V.S.Prabhakar, Deputy Executive Engineer (retired), Pithapuram Municipality.
7) Govt.Memo.No.9086/Vig.I/2010, dated.10.03.2022.
8) From the C&DMA., A.P., Vaddeswaram, Letter Roc.No.4390/2000/C2, dated.01.07.2022.
9) Govt.Memo.No.9086/Vig.I/2010, dated.25.08.2022.

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O R D E R:

Whereas, disciplinary proceedings were initiated by issuing articles of charges against Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality on certain irregularities noticed in execution of ILCS Scheme (Stage–IIA) in Samalkot Municipality during 1998-99. After following due procedure, Government issued orders, imposing a punishment of stoppage of two (2) Annual Grade Increments with cumulative effect, besides recovery of loss of Rs.16,00,578/- against Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality vide reference 1st read above.

2. Aggrieved by the said punishment orders issued by the Government, the delinquent officer Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality, filed O.A.No.5108 of 2010 in APAT. In the reference 3rd read above, the Hon'ble APAT, Hyderabad in its Orders, dated.31.08.2012 in O.A.No.5108 of 2010 held that:

(P.T.O.)

"The O.A., is allowed by setting aside the G.O.Ms.No.660, MA&UD (L1) Department, dated.17.11.2009 and directed the respondents to proceed with the enquiry, as per Rule-20 of APCS (CC&A) Rules, 1991. The respondents are also directed to take note of Circular dated.28.04.1999, issued by the MA Dept., and pass appropriate orders according to the Rules".

3. Government examined the matter duly taking into consideration of advice of advisory department, decided to consider to file W.P. in A.P. High Court on the above orders of APAT, since the delinquency is decade old, it may not be practicable to conduct the regular enquiry against the individuals as directed by the Hon'ble APAT vide reference 4th read above. Due to various reasons, could not file the Writ Petition in this regard.

4. In the reference 5th read above, Sri J.V.S.Prabhakar, the then M.A.E. (Retired), Samalkot, in his representation, among others, has requested to exonerate him from all charges, duly dropping further action and regularize the suspension period as duty period from 22.07.2000 to 11.12.2001, since the Hon'ble Tribunal set aside the punishment orders issued in G.O.Ms.No.660, MA&UD (L1) Department, dated 17.11.2009 vide their orders, Dt.31.08.2012 in O.A.No.5108/2010.

5. In the reference 6th read above, Sri J.V.S.Prabhakar, the then M.A.E., has filed W.P.No.840/2022 in the Hon'ble High Court seeking direction to sanction / pay the pension and other retiremental benefits with ad-measurable interest and also other attendant benefits.

6. Government have examined the entire matter in detail; keeping in view the Orders of APAT., dated.31.08.2012 in O.A.No.5108/2010 and opininon of advisory department, it has been decided **(i)** to withdraw the punishment of imposition of two (2) annual grade increments with cumulative effect against Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer (now retired), Samalkot Municipality, issued in G.O.Rt.No.660, MA&UD (L1) Department, dated.17.11.2009, with a condition that the actual loss will be recovered from him by taking into the consideration of Circular, dated.28.04.1999 and further proceedings / instructions issued by the M.A. Department and **(ii)** to direct the C&DMA., being the executing authority and HOD., to arrive at the actual loss done by the delinquent duly taking into consideration of Enquiry Report, Circular Memo., dated.28.04.1999 and further orders issued by the Department in this regard, so as to recover from the delinquents by following due procedure, since it may not be appropriate to file appeal at this belated stage i.e., after twelve (12) years of time.

7. Accordingly, in the reference 8th read above, the C&DMA., A.P., Guntur was requested to arrive at the actual loss caused by the delinquents, duly taking into consideration of Inquiry Report, Circular Memo., dt.28.04.1999 and further orders issued by the Government in this regard and furnish his report with regard to the loss, if any, to be recovered from the delinquents within (20) days by following due procedure in this regard.

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8. Accordingly, Government hereby order to withdraw the punishment of imposition of two (2) annual grade increments with cumulative effect against Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer (now retired), Samalkot Municipality, issued in G.O.Rt.No.660, MA&UD (L1) Department, dated.17.11.2009, with a condition that the actual loss will be recovered from him if any, by taking into the consideration of Circular dated.28.04.1999, and further order / instructions issued by the M.A. Department.

9. The Commissioner & Director of Municipal Administration, A.P., Vaddeswaram, Guntur shall take further necessary action in the matter.

10. The receipt of the G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner & Director of Municipal Administration, A.P.,
Vaddeswaram, Guntur.
Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer (now retired),
Samalkot Municipality – **through** the C&DMA., A.P., Guntur.

Copy to:
The Engineer-In-Chief (PH), A.P., Tadepalli, Guntur.
The Municipal Commissioner, Samalkot Municipality.
The G.P. for Serviced-IV, MA&UD Department, A.P. High Court, Amaravati.
The Principal Accountant General (A&E), A.P., Vijayawada.
SF / SC.

// FORWARDED BY ORDER //

SECTION OFFICER.